

MINUTES
TOWN MEETING
May 7, 2018
Emmitsburg Town Office

Present: *Elected Officials:* Mayor Donald Briggs; Commissioners: Glenn Blanchard, Elizabeth Buckman, Joseph Ritz III, Clifford Sweeney, and Tim O'Donnell, President. *Staff Present:* Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; and Cole Tabler, Town Accountant. *Others Present:* Deputy Ben Whitehouse.

Absent: Commissioner Elizabeth Buckman.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the May 7, 2018 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: To approve the April 2, 2018 town meeting minutes as presented. Motion by Commissioner Ritz III, second by Commissioner Blanchard. Vote: Motion carries 4-0 in favor, Commissioner Buckman absent.

Police Report:

Deputy Ben Whitehouse presented the police report from April 2018 (exhibit attached). Deputy Whitehouse mentioned there were seven collisions, but none were a result of the State Highway Administration (SHA) construction projects. The Board thanked the deputies for their presence at various community events.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from March 2018 (exhibit attached). Ms. Willets mentioned there is currently a surplus of precipitation, there were no spills of untreated sewerage, and the wastewater treatment plant (WWTP) exceeded its design capacity three times during March 2018 due to rain events. For noteworthy items, a new salt shed was installed at the WWTP. Staff repaired four leaks caused by the flow tests at the new Seton Center. Improved water quality and lower demand has significantly improved operations at the water plant. Beginning on May 24, 2018, the trails will be open 7 days a week until September 6, 2018 because hunting season will be over.

Town Planners Report:

Cathy Willets, Town Manager, presented the Town Planner's Report from March 2018 on behalf of Susan Cipperly, Town Planner (exhibit attached). Ms. Willets mentioned Ms. Cipperly was instrumental in the completion of the dog park, which opened May 5, 2018. The Planning Commission will need to have a meeting to re-approve the Emmitsburg Industrial Park II, Brookfield/Irishtown Road approval and potential commercial development of homes the next six months.

Commissioner Comments:

- Commissioner Ritz III: Thanked everyone for planting trees at the Arbor Day celebration on April 28, 2018. Thanked everyone for coming to the Dog Park grand opening. On May 23 the Vigilant Hose Company will host a free emergency training event.
- Commissioner Sweeney: Looks forward to his Arbor Day tree lasting a long time. He is appreciative of the new dog park location and design. He reminded everyone the Pool Grand Opening is June 2 and the Town Square Grand Opening June 30, 2018.
- Commissioner Blanchard: He attended the Open Meetings Act training on April 12, 2018. He reminded everyone the Emmitsburg Food Bank needs donation, especially produce and other fresh items.
- Commissioner O'Donnell: Thanked town staff for their hard work. The recent trail work day had a good turn out. The next trail day in May 20, 2018. He requested drivers watch for cyclists, especially during the upcoming Maryland Endurance Challenge at Mount St. Mary's.

Mayor's Comments:

Mayor Briggs attended numerous meetings in April 2018 (meetings listed in agenda packet). He expressed gratitude towards town staff for the labor and administrative time towards the tree planting, dog park grand opening, pool grand opening and town square grand opening. He is hoping to get a William Cochran Glass Etching out front of the Frederick County Fire Rescue Museum. He is trying to get the Boys and Girls club in Emmitsburg and an electric vehicle charging station, which will come before the Board soon for approval.

Public Comments:

Wayne Slaughter, 66 Robindale Drive - Mr. Slaughter would like to set up a volunteer group that would do trash clean-up on a monthly or quarterly basis around Town. He is requesting the Town provide basic public safety, the removal of the filled trash bags and advertisement. He would like it to begin Saturday July 14, 2018. He would also like the Board to consider converting the walking trail into a botanical garden in Community Park. *Joseph Buhrman, 17353 Mountain View Road* - He does not wish to speak anymore because his concern was addressed. *Karen Yoho, 4003 Bill Moxley Road Mount Airy* - She is running for the Frederick County Board of Education.

Administrative Business:

- I. Approval of the FY 2019 contract between Town of Emmitsburg and Frederick County Sheriff's Office: Ms. Willets explained this contract is a 3.5% increase (or \$8,712.00 increase) to \$276,403. The increase is due to salary increase and the rising cost of vehicle fuel. If the Board approves, the Mayor will sign then the County Executive will get the contract to sign. Everything else regarding service provided will remain the same.
Motion: To accept the Frederick County FY 2019 contract for sheriff deputies for Emmitsburg.
Motion by Commissioner Sweeney, second by Commissioner Blanchard. Vote: Motion carries 4-0 in favor, Commissioner Buckman absent.

Consent Agenda:

None

Treasurer's Report:

Commissioner Blanchard presented the Treasurer's Report for April 2018 (exhibit in agenda packet). The operating balance forward is \$5,209,079. There were no questions from the Board.

Planning Commission Report:

Commissioner Sweeney explained there was no meeting in April 2018.

II. Agenda Items

Agenda #1- Frederick County Harm Reduction and Syringe Service Programs: Commissioner O'Donnell explained this agenda item was postponed to July 2018 again due to requests from the Frederick County Health Department.

Agenda #2 - Setting of the Tax Rate for Fiscal Year (FY) 2019: Ms. Willets explained this item should not have been its own agenda item because the tax rate is approved with the fiscal year (FY) 2019 budget. The tax rate is recommended to remain the same at \$0.36 per \$100 assessed value.

Agenda #3 - Initial Budget Presentation for Fiscal Year (FY) 2019: Mayor Briggs presented the initial budget. He explained each of the Board members received a copy of the proposed budget tonight. He summarized the tax rate will remain the same, the County tax rate will increase by 6% and the general fund revenue will increase \$88,080 (or 5% over FY 2018. Salaries are anticipated to increase 2.63% over FY 2019 and it is recommended staff get a 2% Cost of Living Adjustment (COLA). There was no COLA in the FY2018 budget. The capital funds transfer will be \$232,819, which is higher than the FY 2018 amount of \$218,341. The Board must approve the new budget by the end of June 2018. Commissioner O'Donnell clarified that any Board members looking for an explanation of funds should email town staff, and any Board members seeking a change need to wait until the May 21, 2018 town meeting to discuss the requested change.

Agenda #4 - Budget Transfer to Fund 2 in Relation to the Painting of 140 South Seton Avenue for Consideration:

Ms. Willets explained town staff received three bids for the painting. The town was required to have these items completed due to State of Maryland law regarding rental properties and lead paint. The total cost of the project was \$21,058.63 which included the painting contractor, cleaning company, new carpet, lead tester, hotel/food for the tenants and a storage unit. \$12,012 is still needed to cover the cost of the project. Staff recommends transferring \$12,012 from fund 2 LED Upgrade (which currently has \$25,479 in the account) to cover the costs of this project. Commissioner Sweeney made a motion to transfer \$21,058.63, which is the total project amount. Ms. Willets interrupted and said only \$12,012 is needed for the transfer. Commissioner Sweeney modified his motion.

Motion: To transfer \$12,012 to take care of the 140 South Seton painting.

Motion by Commissioner Sweeney, second by Commissioner Ritz III as amended.

Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

Agenda #5 - Presentation on the Ethics Code and Appeal Procedures by Town Staff: Ms. Willets explained if anyone has questions they can ask the town manager or town clerk. Ms. Willets reviewed the State of Maryland Law and the Ethics Commission was established by the Town Code, Section 2.32. Topics covered under the Emmitsburg Town Code includes conflict of interest, employment limitations, prestige of office, solicitation/acceptance of gifts, financial disclosures, lobbying and code enforcement. In 2006 Harry T. DeMoll, Attorney, developed formal ethic compliant procedures for the Town. The procedures were brought to the Board February 6, 2006 by David Haller, Town Manager, and Mr. DeMoll. As a result of the town meeting, the Board requested the Town Manager find the best approach for developing an ethics procedures ordinance by contacting MML (per 02/06/2006 minutes). Ms. Willets explained this was never done and it is unknown if the procedures were ever formally adopted. She then proceeded to review the procedures drafted in 2006. The process would start with a formal complaint that is delivered sealed to the Ethics Commission Chair. Once the Ethics Commission receives the complaint, they can investigate it to see if there is probable cause for the complaint. If the Commissioner finds probable cause, they can request a adjudicatory hearing. Ms. Willets reviewed a sample flow chart outlining the complaint process from Middlebury, Connecticut. Town staff recommends developing a similar flow chart and a formal ordinance by having the Ethics Commission review the procedures then make recommendations to the Board. The Board requested town staff have the ethics commission review the procedures and make recommendations on the procedures and if the adjudicatory hearing should be public or private. There was discussion regarding the necessity of keeping ethic hearings confidential. Mayor Briggs recommended the Board use caution with the demands put on the Ethics Commission since the commission is filled by volunteers.

Motion: Per the town staff recommendation, to refer the presented procedures to the Ethics Commission for developing a procedure. Motion by Commissioner Ritz III, second by Commissioner Blanchard.

Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

Agenda #6 - Code of Conduct Policy for Consideration: Commissioner O'Donnell explained this item has been postponed per the request of Mayor Briggs and town staff. A future date to review this item is to be determined.

Agenda #7 - Public Comment Timing in Meetings for Consideration: Ms. Willets explained this agenda item was requested by Commissioner Buckman. She explained a few other municipalities have early public comment but some do not. She reviewed several sample agendas from Gettysburg, City of Brunswick and Boonsboro that have public comment earlier in the agenda. The Board discussed the location of public comment currently and the importance of making sure residents are heard. Commissioner Sweeney and O'Donnell explained they are satisfied with the current public comment timing, which allows for public comment near the beginning and with each agenda item. Ms. Willets explained her understanding of Commissioner Buckman's desire was to move the public comment up even more. The Board decided to postpone the item because Commissioner Buckman was absent.

Motion: To table the timing issue for the public comment until a later meeting.

Motion by Commissioner Sweeney, second by Commissioner Ritz III.

Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

Set Agenda Items for May 21, 2018 Town Meeting

1. Fiscal Year 2019 Three Year Trash Services Contract for Consideration
2. Fiscal Year 2019 Budget for Discussion and Possible Consideration

Motion: To accept the May 21, 2018 agenda as presented. Motion by Commissioner Ritz III, second by Commissioner Blanchard. Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

Set Agenda Items for June 4, 2018 Town Meeting

- I. Fiscal Year (FY) 2019 Budget for Consideration
- II. Fiscal Year (FY) 2019 Salary Chart Adoption for Consideration
- III. Electric Vehicle Institute and Frederick County Agreement for Consideration Relating to Electric Vehicle Chargers
- IV. Parking Ordinances and Policy for Consideration

Admin Business:

- A. New Town Planner Employee for Consideration
- B. Amended Contract Name Change for the Lagoon Storage for Consideration

Motion: To accept the agenda for the June 4, 2018 meeting as present. Motion by Commissioner Sweeney, second by Commissioner Blanchard. Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

Motion: To accept the administrative business items A and B as presented. Motion by Commissioner Sweeney, second by Commissioner Ritz III. Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

Commissioner Ritz III will contact Mr. Slaughter (from public comment) about his proposed town projects. He will make a recommendation for a future agenda at the May 21, 2018 town meeting.

Motion: To close the town meeting. Motion by Commissioner Sweeney, second by Commissioner Blanchard. Vote: Motion carries 4-0 favor, with Commissioner Buckman absent.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the May 5, 2018 Town Meeting was adjourned at 9:18 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved: June 4, 2018